

**BOARD OF APPEALS CASE NO. 5008**

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**BEFORE THE**

**APPLICANT: John Saylor**

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**ZONING HEARING EXAMINER**

**REQUEST: Special Exception to allow a  
commercial vehicle in the AG District;  
1643 Poole Road, Darlington**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 12/29/99 & 1/5/00**

**HEARING DATE: March 1, 2000**

**Record: 12/31/99 & 1/7/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, John W. Saylor, is seeking a special exception pursuant to Section 267-53(D)(1) of the Harford County Code to allow a commercial vehicle in an Agricultural District.

The subject property is located at 1643 Poole Road, Darlington, in the Fifth Election District. The parcel is more specifically identified as Parcel 278, in Grid 1E, on Tax Map 27. The property contains 6.57 acres, more or less, all of which is zoned AG Agricultural.

Mr. Saylor appeared and testified that he is seeking this special exception to park his tractor trailer on his property so that it is immediately available to him for work. He is a full-time tractor-trailer truck driver and has been parking his rig on his property for the past three and a half years. He uses the vehicle on a daily basis. Mr. Saylor testified that, when he is at home, the vehicle is parked on his recycled asphalt driveway, on the right side of the house. It was the Applicant's testimony that it is difficult to see the vehicle from the road, unless one is looking for it. There are one and a half acres of woods on the property, and the trees provide a significant screen for the parked trailer. He has had no difficulties pulling out onto the road with his tractor-trailer and he did not believe there were any traffic safety concerns which arise as a result of his parking the vehicle on his property. He did not believe that parking the vehicle caused any problems for any of the neighbors or the neighborhood in general.

## **Case No. 5008 - John Sayler**

Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified with regard to the findings and recommendation of the Department. It was Mr. McClune's testimony that the Applicant's request is in compliance with the provisions of Section 267-53(D)(1), since the property is located in an AG District, the parking area is located 130 feet from the road in a wooded area, the Applicant is not involved in the construction or industrial equipment business, nor does he farm the property, and the property meets the minimum required area of at least two acres. The Department has recommended that the Applicant plant additional evergreens to more effectively shield the vehicle from the road in the winter months. Further, Mr. McClune testified that it was the Department's position that the Applicant's request does meet all the standards and guidelines for special exception requests as set forth in Code Section 267-9(I). Accordingly, the Department of Planning and Zoning recommends approval of the special exception.

No witnesses appeared in opposition to the request.

### **CONCLUSION:**

The Applicant is seeking a special exception to Section 267-53(D)(1) of the Harford County Code to allow a commercial vehicle to be stored (parked) in an AG Agricultural District. Section 267-53(D)(1) provides:

**"Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:**

- (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.**
- (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.**
- (c) A minimum parcel area of two (2) acres shall be provided."**

## **Case No. 5008 - John Sayler**

The uncontradicted evidence offered by the Applicant and the Department of Planning and Zoning demonstrates that the subject property is located in an AG zoned district, the parking area where the subject commercial vehicle would be parked is approximately 130 feet back from the roadway and screened by existing trees, the Applicant is not involved in the sales or service of construction or industrial equipment, but is employed as an independent tractor-trailer driver/owner, and that the subject parcel is approximately six and one-half (6 ½) acres in size. The evidence also demonstrated that the proposed request to park the commercial vehicle on the subject property would not adversely affect the public health, safety and general welfare, nor would it result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. There was no evidence to suggest that the parking the vehicle on this property would have any greater adverse effect at this location than such a use located anywhere else within the zoning district. On the contrary, this parcel seems particularly well-suited to meet the Code requirements given the fact that it is densely wooded, the parking area is located well back from the road and the parcel is larger than required for such a use.

Therefore, it is the recommendation of the Hearing Examiner that the requested Special Exception be approved, subject to the following conditions:

1. The Applicant shall be limited to one (1) road tractor and one (1) trailer on the site at any given time, and the tractor-trailer shall be placed in the parking area as shown on the Applicant's site plan;
2. The special exception is granted solely for the use of the Applicant and shall terminate if the property is sold or if the Applicant no longer resides on the subject property;

**Case No. 5008 - John Sayler**

3. The Applicant shall plant along the woods' edge, around the parking area, a staggered row of evergreens placed approximately 8 to 10 feet on center. The trees shall be a minimum of 3 to 5 feet in height when planted and shall be planted during the next planting season in order to provide an even more dense screen around the vehicle particularly in the winter months;
4. The Applicant shall obtain a zoning certificate for the use at this location.

**Date APRIL 7, 2000**

**Valerie H. Twanmoh  
Zoning Hearing Examiner**